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I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Tracey Simmons

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Robert Horvitz et al.

Art Unit: 1642

Serial No.: 09/087,136

Examiner: K. Canella

Filed: May 28, 1998

Customer No: 21559

Title: NUCLEIC ACIDS ENCODING LIN-37 AND USES THEREOF

Assistant Commissioner For Patents  
Washington, D.C. 20231

NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES UNDER 37 C.F.R. §1.191

Applicants respectfully appeal to the Board of Patent Appeals and Interferences from the decision dated June 6, 2001 of the Examiner finally rejecting claims 1, 4-7, 10-18, and 25.

Enclosed pursuant to 37 C.F.R. § 1.136 is a petition to extend the time to respond to the final rejection for two months, to and including November 6, 2001.

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160.00 OP

Also enclosed is a check in the amount of \$160.00 for the fee required by 37 C.F.R. § 1.17(b) for this Notice of Appeal. If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

November 6, 2002

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